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*Attorneys for Defendants*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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KOSHER EATS LLC, a Florida limited liability company, EMERALD CONSULTING PARTNERS LLC, a Florida limited liability company, ABBSON LLC, a New York limited liability company, MSC COMPANIES, LLC, a Utah limited liability company, and HOMEPEOPLE CORPORATION, a New York corporation,

Plaintiffs,

v.

TORBEN WELCH, an individual, CALEB MEYER, an individual, MICHELLE HARDEN, an individual, RENNE FINCH, an individual, DAVID REEVES, an individual, BENJAMIN TIETGEN, an individual, DARREN ALBERTI, an individual, KATE BAILEY, an individual, BRENDA BARTELS, an individual, ALEX BELTZ, an individual, AMBER BLASINGAME, an individual, BRETT BOON, an individual, VALERIE

**STIPULATED MOTION TO EXTEND  
DEADLINES TO SUBMIT REPLIES IN  
SUPPORT OF PENDING MOTIONS  
AND TO ADDRESS LENGTH OF  
REPLIES**

Case No. 2:24-cv-00520-DBP

Judge David Barlow

Magistrate Judge Dustin B. Pead

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BROMLEY, an individual, EDGAR  
 CARRANZA, an individual, KATHLEEN  
 CARTER, an individual, CYNTHIA  
 CARUCCI, an individual, CHARLES  
 CAVANAGH, an individual, LAURA  
 CHARTRAND, an individual, GREGORY  
 COHEN, an individual, KIMBERLEY  
 CRONIN, an individual, ISAAC CRUM, an  
 individual, ERICA DEATHERAGE, an  
 individual, MATTHEW DEENIHAN, an  
 individual, ALLISON DODD, an individual,  
 BRIANNA DOLMAGE, an individual,  
 PATRICK DRAKE, an individual, R.J.  
 ERTMER, an individual, RACHEL FARR,  
 an individual, MARY BRYNE FLETCHER,  
 an individual, AUSTIN GEMMELL, an  
 individual, MATTHEW GEORGE, an  
 individual, DEANNA GILBERTSON, an  
 individual, MARGARET GRAY, an  
 individual, SCOTT HAWRANEK, an  
 individual, ANDREW HOLLINS, an  
 individual, AMY HUFF, an individual,  
 CRAIG HUMPHREY, an individual, MATT  
 JEDRZEJEK, an individual, MACLAIN  
 JOYCE, an individual, IDIN  
 KASHEFIPOUR, an individual, DARA  
 KELLER, an individual, DANIEL KLETT,  
 an individual, STEVEN KNAUSS, an  
 individual, MARJORIE KRATSAS, an  
 individual, JASON MARTINEZ, an  
 individual, BRYANT MESSNER, an  
 individual, IAN MITCHELL, an individual,  
 SCOTT MONROE, an individual, SIMONE  
 MONTOYA, an individual, BRUCE  
 MONTOYA, an individual, KATHLEEN  
 MOWRY, an individual, CHRISTINA  
 MUNDY, an individual, ANN NGUYEN, an  
 individual, KATHERINE OTTO, an  
 individual, JONATHAN OWENS, an  
 individual, JULIAN PARDO DE ZELA, an  
 individual, FRANK PERRETTA, an  
 individual, PETER PIERCE, an individual,  
 WILLIAM RANDALL, an individual,  
 RICHARD REICE, an individual, ADAM  
 ROYVAL, an individual, HEATHER SALG,

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an individual, EDWIN SCHWARTZ, an individual, MIKHAIL SHAH, an individual, GREG SITRICK, an individual, ROWAN SMITH, an individual, AARON SOLEIMANI, an individual, HEATHER STERN, an individual, JOHN STEVENS, an individual, DEANNE STODDEN, an individual, MATTHEW SULLIVAN, an individual, JENNY THORNTON, an individual, WADE WARTHEN, an individual, ANDREW WELCH, KARIE WILSON, an individual, DOUGLAS WOLANSKE, an individual, JON ZIMMERMAN, an individual, JAKE BRIGHAM, an individual, and MESSNER REEVES LLP, a Colorado partnership,

Defendants.

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Pursuant to Federal Rule of Civil Procedure 6(b), Defendants file this Stipulated Motion for an Extension of Time to Submit Replies in Support of Pending Motions and to Address Length of Replies.

**Motion to Extend Time for Replies**

Defendants move the Court for an extension of 12 days to submit their replies in support of five pending motions. The new due date will be December 23, 2024, by which to file and serve reply memoranda in support of:

1. Messner Employees' and Former Messner Employees' Motion to Dismiss First Amended Complaint for Failure to State a Claim (Dkt. 170);
2. Messner Reeves, LLP's, MR Partners', and Brigham's Motion to Dismiss First Amended Complaint for Failure to State a Claim (Dkt. 171);

3. Defendants’ Motion to Dismiss Claims Against the “Messner General Partnership” for Insufficient Process, Pursuant to Rule 12(b)(4) and for Failure to State a Claim Under Fed. R. Civ. P. 12(b)(6) (Dkt. 177);

4. Individual Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 (Dkt. 179); and

5. Defendant Torben Welch’s Motion to Dismiss (Dkt. 182).

**Motion regarding Length of Replies**

Different defendant groups have filed their own separate motions to dismiss, resulting in four separate motions to dismiss filed by four separate groups. *See* Motions numbered 1, 2, 3, and 5, above. Spencer Fane LLP represents three of those defendant groups (the “Spencer Fane-represented Defendants”). Foley & Lardner LLP represents Torben Welch.

Rather than file three separate replies of up to ten pages each, the Spencer Fane-represented Defendants request leave of Court to file a consolidated reply memorandum in support of their three separate motions, which will be no longer than 20 pages. Mr. Welch also requests leave to file a reply up to 20 pages in length. Defendants submit that the excess pages (or, in the case of the Spencer Fane-represented Defendants, a reduced number of consolidated pages) is warranted. Plaintiffs’ 44-page First Amended Complaint alleges eight causes of action against 80 defendants. Many of those claims, including RICO, have several elements that must be addressed. Plaintiffs’ opposition cites to 71 legal authorities, a substantial number of which must be addressed. This cannot be done in the standard ten pages for a reply. Allowing the Spencer Fane-represented Defendants and Mr. Welch to each file a reply containing no more than 20 pages is the most efficient and effective way to present the various defendant parties’ arguments to the Court.

Accordingly, Defendants respectfully request that the Court extend the time for them to submit their replies in support of the five pending motions identified above until December 23, 2024. The Spencer Fane-represented Defendants request leave to file may file a consolidated reply of no more than 20 pages. Mr. Welch requests leave to file a separate reply of no more than 20 pages. A proposed form of Order is submitted herewith.

Plaintiffs do not oppose either of these requests.

DATED this 6th day of December, 2024.

**SPENCER FANE LLP**

/s/ Keith A. Call

Keith A. Call

Troy Rackham

*Attorneys for Defendants*

**FOLEY & LARDNER LLP**

/s/ Charles Dennis Morris

David J. Jordan

Charles Dennis Morris

*Attorneys for Defendant Torben Welch*

*(signature added by counsel for Defendants with  
permission granted via email on 12/6/24)*

**STIPULATED AND AGEED TO:**

**CHASE LAW & ASSOCIATES, P.A.**

Kenneth E. Chase

**FOSTER PC**

Howard W. Foster

**CHRISTIENSEN LAW, PLLC**

/s/ Stephen K. Christiansen

Stephen K. Christiansen

*Attorneys for Plaintiffs*

*(signature added by counsel for Defendants  
with permission granted via email on 12/6/24)*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2024, I caused a true and correct copy of the foregoing  
**STIPULATED MOTION TO EXTEND DEADLINES TO SUBMIT REPLIES IN  
SUPPORT OF PENDING MOTIONS AND TO ADDRESS LENGTH OF REPLIES** to be  
electronically filed via the court's CM/ECF system, which will send notification to the following:

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/s/ Stephanie Chavez  
Legal Assistant